

PATENT
10/059,092**D. REMARKS****Claim Rejections – 35 U.S.C. § 102**

Claims 1-2, 6-10, 14-18 and 21-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. U.S. Patent 5,651,107. Applicants herein amend claims 1-7, 9-15, and 17-22, and respectfully submit that the amended claims are not anticipated by Frank or any other prior art reference. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants respectfully request that because the amended claims are not anticipated by Frank or any other prior art reference, the rejection should be withdrawn, and the claims should be allowed.

As will be shown below, Frank does not teach or enable a method, a system, and a program for “selectively adjusting a transparency of a displayable object within a user interface using a flashlight tool” as claimed in the present application. Claims 1-23 are therefore patentable and should be allowed. Applicants respectfully traverse each and every rejection individually, and request reconsideration of claims 1-23, including the amendment to claims 1-7, 9-15, and 17-22.

Concerning Examiner’s rejection of claims 1, 9, and 17, Applicants respectfully submit that Frank does not anticipate the invention of Applicants’ amended claims 1, 9, and 17, because Frank does not teach expressly or inherently the elements of these amended claims, or enable the elements of these claims. Specifically, Frank does not teach or enable the following elements of amended claim 1, and the similar elements of system claim 9, and program claim 17:

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“selecting an operating criteria of said flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface,”

“positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface,” and

“selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool.”

**Frank does not teach “selecting an operating criteria of said flashlight tool,
wherein said operating criteria is operative on all displayable objects
of a user interface”**

Frank teaches that “a slider is displayed within **each window** which permits the α value to be set by a user through the use of a cursor control device” (Col. 2, lines 63-65, emphasis added), and that “**each window** has an α value associated with it” (Col. 7, lines 47, 48, emphasis added). Thus, Frank teaches that each window contains a slider window to set the transparency of its parent window. Therefore, Applicants submit that Frank does not teach applicants claimed element “selecting an operating criteria of a flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface” because the operating criteria of the slider taught by Frank is applicable only to the window that contains the slider and not to “all displayable objects of a user interface” as claimed by applicants.

In addition, Frank teaches away from applicants’ claimed invention because Frank teaches that “a slider is displayed within **each window**” teaching away from “a flashlight
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tool that is “operative on all displayable objects of a user interface” as claimed by Applicants. Also, Frank describes that the operating criteria of the slider, in “window 260 includes a slider 262 which permits the setting of the α value for window 260” (Col 9, lines 6-8). Thus, Franks teaches that the operating criteria of the slider is applicable to the window that contains the slider. Therefore, Frank teaches away from selecting an operating criteria of a flashlight tool, wherein the operating criteria is operative on all displayable objects of a user interface as claimed by Applicants.

Frank does not teach “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface”

Frank teaches that “window 260 overlays window 255 in FIG. 8. Window 260 includes a slider 262 which permits the setting of the α value for window 260” (Col. 9, lines 5-8). As taught by Frank (see Figure 8), each window contains a slider for adjusting the α value, and each slider is contained within its parent window. Furthermore, each slider is used to control its respective parent window. Also, Frank does not teach allowing the user to control the location where the slider is positioned. Thus, Frank does not teach “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface,” and instead teaches away from Applicants’ claimed invention since Frank requires individual sliders coupled with individual windows, and also positions the slider at a fixed relative position within each parent window (see Figure 8). In contrast, Applicants’ invention allows the user to position the flashlight tool at any location within the user interface, and the location of the flashlight tool is another location that not coupled with any other window in the user interface.

Frank does not teach “selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool”

Frank teaches “in FIG. 8, the α value for window 260 is set to a value of less than 1... by the user positioning the slide bar 264 using, for example, the mouse 28. It is contemplated that the user may set the slide bar 264 by placing a cursor 265 in FIG. 8 over a portion of the slide bar 264, depressing a switch, such as switch 34 on the mouse 28..., move the slide bar to an appropriate position on the slider 262, and release switch 34” (Col. 9, lines 27-34). This process is repeated for all windows (see Col. 9, lines 4-41). Thus, in order to adjust multiple windows, Frank requires the user to operate the slide bar of each window, and individually and separately set the α value for each window in the user interface. In contrast, Applicants’ invention selectively adjusts the transparency level of one or more displayable object within the user interface, such that the transparency level of one or multiple displayable objects are selectively adjusted according to a specified criteria of the flashlight tool. Frank does not teach specifying any operating criteria for the slider that can used to take any action when the slider is displayed. In contrast, Applicants’ claimed invention enables specifying operating criteria such that the transparency level is adjusted according to the operating criteria of the flashlight tool. Furthermore, Frank does not teach Applicants’ claimed invention, but teaches away from “selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool” because Frank requires individual adjustment of the α value for each window in the user interface, and the present invention eliminates the need for individual adjustments.

Therefore, Applicants respectfully request that since Frank does not teach, suggest, or enable Applicants' claimed invention, elements of Applicants' claim 1, and similar elements in claims 9 and 17 are not anticipated, and the rejection should be withdrawn, and claims 1, 9 and 17 should be allowed.

Furthermore, Applicants respectfully request allowance of dependent claims 2-8, 10-16, and 18-23, which depend from corresponding claims 1, 9, and 17.

Claim Rejections – 35 U.S.C. § 103

Claims 3-5, 11-13 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al U.S. Patent 5,651,107, as applied to claims 1, 9 and 17, and Microsoft Windows NT Task Manager. Applicants submit that the claims, as amended, are patentable over the applied art, and overcome each and every rejection. Applicants respectfully submit that Frank, alone or in combination with the Microsoft Windows NT Task Manager, as proposed by Examiner, does not teach or suggest all the elements of Applicants' claimed invention (amended claims 1-7, 9-15, 17-22, and original claims 8, 16 and 23).

Applicants submit that the Microsoft Windows NT Task Manager does not teach "detecting a position of a slider bar within a z-order listing..." as stated by Examiner, and respectfully disagree with Examiner's assertion that this is "shown in Screenshot 2..." Screenshot 2 appears to show a listing of running applications, but this reference does not teach a z-order listing. Notwithstanding Examiner's assertion, as will be shown below, Frank and the Microsoft Windows NT Task Manager, either alone or in combination, does not teach or suggest Applicants' claimed invention.

Frank and the Microsoft Windows NT Task Manager, either alone or in combination, does not teach or suggest “selecting an operating criteria of said flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface”

As discussed above, Frank does not teach or suggest “selecting an operating criteria of said flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface.” The Microsoft Windows NT Task Manager also does not teach or suggest this claim element. In particular, the Microsoft Windows NT Task Manager does not enable or suggest a flashlight tool, nor does it teach or suggest specifying any operating criteria for a flashlight tool, nor does it teach or suggest specifying a flashlight tool operating criteria that is operative on all displayable objects of a user interface as claimed by Applicants. The combination of Frank and the Microsoft Windows NT Task Manager, also does not teach or suggest Applicants’ claimed invention because neither reference, nor the combination of these references, is concerned with enabling a flashlight tool, nor with the operating criteria and use of Applicants’ claimed flashlight tool. Also, there is no motivation to combine the teaching of Frank with the Microsoft Windows NT Task Manager to produce Applicants’ claimed invention, and even if combined, the combination still fails to teach or suggest Applicants’ claimed invention because neither reference is concerned with a flashlight tool as claimed.

Therefore, it is respectfully submitted that because of the reasons set forth above concerning Applicants’ claim element “selecting an operating criteria of said flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface,” then independent claim 1, and similar claims, system claim 9 and program claim 17, should be allowed.

Frank and the Microsoft Windows NT Task Manager, either alone or in combination, does not teach or suggest “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface”

As discussed above, Frank does not teach or suggest “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface.” The Microsoft Windows NT Task Manager also does not teach or suggest this claim element. In particular, the Microsoft Windows NT Task Manager does not enable or suggest a flashlight tool, nor does it teach or suggest positioning a flashlight tool at another location of a displayable object within a user interface, as claimed by Applicants. The combination of Frank and the Microsoft Windows NT Task Manager, also does not teach or suggest Applicants’ claimed invention because neither reference, nor the combination of these references, is concerned with enabling a flashlight tool, nor with the positioning and relationship of a flashlight tool to other displayable objects as claimed by Applicants’. Also, there is no motivation to combine the teaching of Frank with the Microsoft Windows NT Task Manager to produce Applicants’ claimed invention, and even if combined, the combination still fails to teach or suggest Applicants’ claimed invention because neither reference is concerned with a flashlight tool as claimed.

Therefore, it is respectfully submitted that because of the reasons set forth above concerning Applicants’ claim element “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface,” then independent claim 1, and similar claims, system claim 9 and program claim 17, should be allowed.

Frank and the Microsoft Windows NT Task Manager, either alone or in combination, does not teach or suggest “selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool”

As discussed above, Frank does not teach or suggest “selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool.” The Microsoft Windows NT Task Manager also does not teach or suggest this claim element. In particular, the Microsoft Windows NT Task Manager does not enable or suggest a flashlight tool, nor does it teach or suggest selectively adjusting a transparency level of a displayable object as claimed by Applicants. The combination of Frank and the Microsoft Windows NT Task Manager, also does not teach or suggest Applicants’ claimed invention because neither reference, nor the combination of these references, is concerned with enabling a flashlight tool, nor with adjusting the transparency level by applying the operating criteria of a flashlight tool to other displayable objects as claimed by Applicants’. Also, there is no motivation to combine the teaching of Frank with the Microsoft Windows NT Task Manager to produce Applicants’ claimed invention, and even if combined, the combination still fails to teach or suggest Applicants’ claimed invention because neither reference is concerned with a flashlight tool as claimed.

Therefore, it is respectfully submitted that because of the reasons set forth above concerning Applicants’ claim element “selectively adjusting a transparency level of at least one displayable object within said user interface, such that said transparency level of said at least one displayable object is selectively adjusted according to said operating criteria of said flashlight tool,” then independent claim 1, and similar claims, system claim
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9 and program claim 17, should be allowed. Furthermore, Applicants respectfully request withdrawal of the rejection of dependent claims 3-5, 11-13, and 19-20 which depend from the corresponding claims 1, 9, and 17. Allowance of claims 3-5, 11-13, and 19-20, are respectfully requested.

The other prior art references cited by the Examiner also have been considered by Applicants in requesting allowance of the pending claims, and none have been found to teach or suggest Applicants' claimed invention.

Conclusion

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



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